

JAMES A. SCHIERHOFF, )  
)  
Plaintiff, )  
)  
vs. ) Case No. 4:03CV01122 HEA  
)  
GLAXOSMITHKLINE CONSUMER )  
HEALTHCARE, L.P., a Limited )  
Partnership, )  
)  
Defendant. )

This matter is before the Court on Defendant's Bill of Costs, [#40]. Plaintiff has filed objections. For the reasons set forth below, Defendant's Bill of Costs is granted in part and denied in part.

Defendant claims it is entitled to all costs and expenses reasonably incurred in the litigation of this cause of action pursuant to 28 U.S.C. § 1920. Defendant contends it incurred a removal fee in the amount of \$150.00, copying fees in the amount of \$326.78, docket fees in the amount of 12.50, and other costs, i.e., deposition costs and mediation costs, in the amount of \$2,663.20. Among the costs listed as “other costs” deposition costs were itemized as \$1,996.20 and mediation costs as \$667.00. The total expenses Defendant claims to have reasonably incurred amount to \$3,152.48.

Plaintiff argues that Defendant's expenses associated with mediation are not provided for in 28 U.S.C. § 1920 and that Defendants are, therefore, not entitled to such expenses. This Court agrees. Section 1920 of Title 28 provides in relevant part:

A judge or clerk of any court of the United States may tax as costs the following:

- (1) Fees of the clerk and marshal;
- (2) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

28 U.S.C. § 1920.

Section 1920 does not provide for mediation fees, and Defendant does not argue otherwise. As such, Defendant will be allowed all expenses documented in their Amended Bill of Costs (\$3,152.48), less the mediation costs claimed (\$667.00), for a total of \$2,485.48.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Bill of Costs, [#40], is granted in part and denied in part; Costs shall be taxed against Plaintiff in the amount of TWO THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS AND FORTY-EIGHT CENTS, (\$2,485.48).

Dated this 5<sup>th</sup> day August, 2005.

A handwritten signature in cursive script, reading "Henry Edward Autrey", with a long horizontal flourish extending to the right.

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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE